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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CARLOS LEOS,

15 Defendant.

Case No. 2:13-cr-00257-LDG-PAL

STIPULATION TO CONTINUE
REVOCATION HEARING AND
CONSOLIDATE SENTENCING
HEARING
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
18 States Attorney, and Daniel Cowhig, Assistant United States Attorney, counsel for the United
19 States of America, and Rene L. Valladares, Federal Public Defender, and Erin Gettel, Assistant
20 Federal Public Defender, counsel for Carlos Leos, that the Revocation Hearing currently
21 scheduled for May 8, 2018, be vacated and continued to a date and time convenient to the Court,
22 but no sooner than September 10, 2018. It is also stipulated and agreed that the revocation
23 hearing be consolidated with the sentencing hearing currently scheduled for October 11, 2018.

24 This Stipulation is entered into for the following reasons:
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1 1. On December 12, 2017, Carlos Leos admitted to a technical violation of his
2 supervised release, and the Court modified Leos's supervision to include completion of the
3 C.A.R.E. program. ECF 245. The Court scheduled a sentencing hearing for October 11, 2018,
4 to assess Leos's progress. *Id.*

5 2. On January 4, 2018, Leos commenced Phase I of the C.A.R.E. program. He
6 successfully completed Phase I with no positive/missed drug tests and graduated to Phase II on
7 March 30, 2018.

8 3. On April 20, 2018, probation submitted a petition for warrant alleging that Leos
9 tested positive for methamphetamine three days prior.

10 4. On April 24, 2018, Leos made his initial appearance on the petition. ECF 254.
11 At the hearing, the Court followed the parties' joint recommendation that Leos be released from
12 custody after seven days to return to the C.A.R.E. program, and the Court set the revocation
13 hearing on the petition for May 8, 2018. *Id.*

14 5. The parties request that the revocation hearing be continued to a time and date
15 after September 10, 2018, and that the revocation hearing be consolidated with Leos's
16 sentencing hearing currently scheduled for October 11, 2018, to allow Leos the opportunity to
17 reenter and complete the C.A.R.E. program prior to the revocation hearing.

18 6. Leos will be released from custody back to the C.A.R.E. program on April 30,
19 2018, and he does not object to the continuance or to the consolidation of the revocation and
20 sentencing hearings.

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1 7. The parties agree to continue and to consolidate the hearings currently scheduled
2 for May 8, 2018, and October 11, 2018.

3 This is the first request for a continuance of the revocation hearing.

4 DATED this 26th day of April 2018.

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6 RENE L. VALLADARES
7 Federal Public Defender

 DAYLE ELIESON
 United States Attorney

8 */s/ Erin Gettel*
9 By _____

10 ERIN GETTEL
 Assistant Federal Public Defender

/s/ Daniel Cowhig
 By _____

 DANIEL COWHIG
 Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

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ORDER

9
10 **FINDINGS**

11 Based upon representations of counsel and the record in this matter, and good cause
12 appearing therefore,

13 **ORDER**

14 IT IS HEREBY ORDERED that the revocation hearing currently scheduled for
15 Tuesday, May 8, at 1:00 p.m. [ECF 254] and the sentencing hearing currently scheduled for
16 October 11, 2018, at 2:00 p.m. [ECF 245] be vacated, consolidated and
17 continued to September 20, 2018 at the hour of 1:30 p.m. in
18 Courtroom 7C.

19 IT IS SO ORDERED.

20 DATED: April 27, 2018.

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22 **RICHARD F. BOULWARE, II**
23 **UNITED STATES DISTRICT JUDGE**